

Public Hearing – January 30, 2023
Environment Committee

Testimony Submitted by Commissioner Katie S. Dykes

Senate Bill No. 896 – AAC Tree Removal on Properties Under the Control of the DEEP

Thank you for the opportunity to present testimony regarding Senate Bill No. 896 – AAC Tree Removal on Properties Under the Control of the DEEP. The bill would require that an arborist who is not an employee of the DEEP make an evaluation of any hazard or other tree located in a state park or campground prior to its removal. The bill would require that any hazard trees removed in state parks and campgrounds be replaced in-kind at such park or campground. The bill also would require the Commissioner to hold a public hearing if any person objects to the removal of a tree, and to make a decision from such hearing within ten days.

The Department of Energy and Environmental Protection (DEEP) **opposes** this bill as it will create extended park closures following storms, inhibit DEEP's ability to fight wildfires, prevent partner organizations from engaging in effective trail maintenance, add significant cost to management of our state park and campgrounds, create wasted space and resources regarding replanting, and delay our ability to address hazards to the public in a timely manner.

Public Act 22-143 established improved processes associated with hazard tree removal in state parks, and DEEP has been making diligent progress in implementing the provisions of that Act. On August 1, 2022, DEEP established a hazard tree mitigation policy per Public Act 22-143 that required DEEP to establish a hazardous tree mitigation policy for the designation and mitigation of trees located in state parks and campgrounds that DEEP staff determined to be hazardous. DEEP has been implementing that policy (which can be viewed [here](#)) in accordance with the statutorily-directed schedule. Since the policy was implemented, 18 DEEP staff have successfully completed Tree Warden School and 2 DEEP staff also achieved International Society of Arboriculture Tree Risk Assessment Qualification (ISA TRAQ). The agency continues to work with external stakeholders to identify additional training opportunities. DEEP has also implemented a public notice process in advance of any hazard tree cutting activity in accordance with the policy that includes posting information on the DEEP website and signage at the location of the planned hazard tree removal. DEEP believe this policy will provide a transparent public process that includes arborist review for removing trees of most ecological and public significance.

The proposed bill would require the Commissioner to contract with and consult with an arborist, and for such arborist to evaluate any hazard or other tree, prior to its removal. We believe that such contracted consultation is not feasible for several reasons and may result in decreased safety

for Parks staff and visitors. Based on the language of this bill, an arborist would need to be consulted, and a public notice posted, 10 days before the removal of any tree, or a detailed finding about the hazardous nature of the tree made and documented by a contracted arborist, as well as a documented consideration of alternative approaches to removal before removal of even a tree that poses a direct threat to the public. If the tree is an immediate public hazard, arborist review would still be required prior to removal. Negative impacts to the public resulting from these requirements potentially include:

- Adverse impacts of public safety in state parks
- Extended closures after storms that could create a significant loss of access during peak seasons.
- Delaying completing routine maintenance activities and emergency repairs
- Prohibiting DEEP from fighting wildfires by requiring arborist review before trees are removed.
- Preventing partner organization from engaging in trail maintenance efforts involving tree removal.
- Any member of the public could suspend plans for tree removal by objecting to the removal of a particular tree, which would automatically result in a public hearing on the matter.
- Significant increase in costs to the state and time

The bill would also require that any trees removed in our parks and campgrounds be replaced in-kind. Given the costs of tree specimens, and the cost of staff or contractors time to install and care for these trees, we would anticipate that the annual expense related to such a requirement would be in the millions of dollars. With additional research, we could refine such an estimate, but our current budget would not support such an expenditure. The requirements in this bill are contrary to the finding of the tree planting project and legislative report required by Public Act 22-143 and submitted to the legislature in December 2022. The finding from the report are summarized in the bullets below.

- Tree replanting projects are fiscally prohibitive, and cost DEEP approximately \$580 per tree during the pilot project at Housatonic Meadows State Park.
- Tree replanting projects are staff-resource intensive and required approximately 9.3 staff hours per tree during this pilot project at Housatonic Meadows State Park.
- “1 for 1” tree replacement policies are not practical or feasible for the state.
- Tree replanting should be evaluated on a park-by-park basis.
- Tree replanting projects work best when supported by local, partner organizations.

As further background, DEEP managed properties encompass over a quarter of a million acres, almost 8% of the land base of the state. Much of that acreage is included within 110 state parks and 32 state forests that have experienced dramatic increases in visitation over the past few years. DEEP has removed approximately 6,000 hazard trees in each of the last three years, which represents only a tiny fraction (0.006%) of trees on our public lands. Roughly 17 million visitors enjoyed Connecticut’s State Parks and Forests in our most recent estimates. State Park and Forest properties are operated and managed by a workforce of only 83 permanent staff and

approximately 500 seasonal staff that provide vital support during the height of the recreation season. Much of the land we manage is forested, and contains tens of millions of trees, many of which are diseased or dying as a result of various environmental, drought and storm impacts, which are worsening due to climate change.

DEEP appreciates the intent of the legislation to improve transparency and establish standards for the removal of hazard trees. The practical application of this bill is not feasible and will result in delay in addressing hazard conditions in our parks and campgrounds, significantly increase costs in new tree planting, and result in additional park closures and reductions in park services. Therefore, DEEP must oppose this bill.

Thank you for the opportunity to present testimony on this proposal. Should you have any questions, please do not hesitate to contact Harrison Nantz at Harrison.Nantz@ct.gov.